



**IT IS ORDERED as set forth below:**

**Date: December 1, 2016**

*Mary Grace Diehl*

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**Mary Grace Diehl  
U.S. Bankruptcy Court Judge**

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION**

IN RE:	§ CASE NO. 16-41917-MGD
	§
KELLEY BROOKE BROADDUS,	§
	§
Debtor	§ CHAPTER 13
	§
	§ CONTESTED MATTER

**CONSENT ORDER ON MOTION TO STRIP LIEN**

The Debtors filed the Motion to Strip Lien (docket entry 18) seeking a determination that the second priority deed to secure debt on real property located at 207 Lee Street, Cartersville, Georgia 30120 (the "Property") held by Defendant BANK OF AMERICA, N.A. is completely unsecured because based upon the property's value and the amount of the first priority mortgage, there is no equity in the Property to which the second priority lien can attach. The Motion was scheduled for a hearing on November 29, 2016 at 10:00 a.m. The parties as evidenced by their signatures below have consented to the entry of this order thereby obviating the need for a hearing. Accordingly, it is hereby

**ORDERED** that, BANK OF AMERICA, N.A.'s claim shall be allowed as a non-priority general unsecured claim and shall be paid as such in accordance with the Debtor's Chapter 13 Plan. As the Chapter 13 Plan makes no provision for payment of the claim in accordance with 11 U.S.C. 1322(b)(5) and as the arrearages are not to be funded through the Chapter 13 Trustee, BR 3002.1 is not applicable to the claim. The avoidance of BANK OF AMERICA, N.A.'s second lien is contingent upon the Debtor's completion of the Chapter 13 plan and the Debtor's receipt of a Chapter 13 discharge.

BANK OF AMERICA, N.A.'s shall retain its lien for the full amount due under the subject loan should the subject property be sold, or should a refinance take place prior to the Chapter 13 plan completion and entry of a Discharge. BANK OF AMERICA, N.A.'s shall retain its lien for the full amount due under the subject loan in the event of either the dismissal of the Debtor's Chapter 13 case or the conversion of the Debtor's Chapter 13 case to any other Chapter under the United States Bankruptcy Code.

In the event that any entity, including the holder of the first lien on the Subject Property forecloses on its security interest and extinguishes Creditor's lien prior to the Debtor's completion of the Chapter 13 plan, BANK OF AMERICA, N.A.'s lien shall attach to the surplus proceeds of the foreclosure sale for the full amount of the subject loan balance at the time of the sale. In the event that the property is destroyed or damaged, before the debt is discharged, pursuant to the mortgage, BANK OF AMERICA, N.A. is entitled to its full rights as a loss payee with respect to the insurance proceeds and has a security interest in such proceeds up to the entire balance due on the mortgage.

Upon receipt of the Debtor's Chapter 13 discharge and completion of their Chapter 13 Plan, a release of lien will be submitted to the County Recorder's Office by the creditor. It is further

ORDERED each party shall bear their own attorney's fees and costs incurred in the present case number.

**[END OF DOCUMENT]**

APPROVED AS TO FORM AND SUBSTANCE:

BARRETT DAFFIN FRAPPIER  
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